

Attorney Docket No.: PTQ-0038
Inventors: Van Eyk and Arrell
Serial No.: 09/942,498
Filing Date: August 30, 2001
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REMARKS

Claims 1-3, 12, 14 and 16-22 are pending in the instant application. Claims 1-3, 12, 14 and 16-22 have been rejected. Claims 1, 3, 12, 14, 16, 17, 18, 19, 20 and 21 have been amended. Claim 2 has been canceled without prejudice. New claims 23 through 33 has been added. Support for these amendments is provided in the specification at page 12, line 16, through page 13, line 17, page 13, line 29, through page 14, line 3, and page 16, lines 19-24, in claim 2, now canceled, and in claims 14 and 16-22. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

Rejection of Claims 1-3, 12, 14 and 16-22

under 35 U.S.C. § 112, second paragraph

Claims 1-3, 12, 14 and 16-22 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner suggests that these claims are vague and indefinite because they fail to set forth any positive recitation of method steps regarding how one would determine if an agent inhibits damage to muscles.

Accordingly, in an earnest effort to advance the prosecution

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of this case and in accordance with teachings in the specification at page 12, line 16, through page 13, line 17, page 13, line 29, through page 14, line 3, and page 16, lines 19-24, and in claim 2, now canceled, Applicants have amended claims 1, 3 and 12 to include the steps which must occur to identify an agent which inhibits muscle damage or a new therapeutic target for treating muscle damage. Claim 14 has been amended to correct its dependency in light of cancellation of claim 2. Claims 16, 17, 18, 19, 20 and 21 have been amended to clarify certain language and provide proper antecedent basis for terms noted in preparation of the listing of the claims. New claims 23-33, which depend from claims 3 and 12 have been added in light of the amendments to claim 3 and claim 12 and mimic claims 14 and 16-22 which depend from claim 1.

Accordingly, no new matter is added by these amendments and entry is respectfully requested.

As these amendments make clear and definite the method steps of the present invention, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

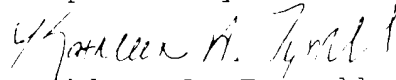
Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

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favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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Date: September 11, 2003

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